

DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF STORMWATER MANAGEMENT FACILITY

THIS DECLARATION, made this 5th day of April, 2002, between TERRABROOK CLARKSBURG, L.L.C., a Delaware limited liability company, hereinafter referred to as the "COVENANTOR", owner of the following property: Parcels A, C, D and E, Clarksburg Town Center, also a part of the property described in Liber 17865 at Folio 495 of the Land Records of Montgomery County, Maryland, and MONTGOMERY COUNTY, MARYLAND hereinafter referred to as the "COUNTY".

WITNESSETH:

We, the COVENANTOR(S), with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interest in the property described above, do hereby covenant with the COUNTY as follows:

1. The COVENANTOR(S), shall provide maintenance for the stormwater management facility, hereinafter referred to as the "FACILITY", located on and serving the above described property to ensure that the FACILITY is and remains in proper working condition in accordance with approved design standards, with the law, and applicable executive regulations.
2. If necessary, the COVENANTOR(S) shall levy regular or special assessments against all present or subsequent owners of property served by the FACILITY to ensure that the FACILITY is properly maintained.
3. The COVENANTOR(S) shall provide and maintain perpetual access from public rights-of-way to the FACILITY for the COUNTY, its agent and its contractor.
4. The COVENANTOR(S) shall grant the COUNTY, its agent and its contractor a right of entry to the FACILITY for the purpose of inspecting, operating, monitoring, installing, constructing, reconstructing, modifying, altering, or repairing the FACILITY.

UPON RECORDATION, PLEASE RETURN TO
CHARLES P. JOHNSON AND ASSOCIATES
1751 ELTON ROAD
SILVER SPRING, MARYLAND 20903

5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the FACILITY in accordance with the approved design standards and with the law and applicable executive regulations, the COUNTY may perform all necessary repair and maintenance work, and the COUNTY may assess the COVENANTOR(S) and/or all owners of property served by the FACILITY for the cost of the work and any applicable penalties. Said assessment shall be a lien against all properties served by the FACILITY and may be placed on the property tax bills of said properties and collected as ordinary taxes by the COUNTY.

6. The COVENANTOR(S) shall indemnify and save the COUNTY harmless from any and all claims for damages to persons or property arising from the installation, construction, maintenance, repair, operation or use of the FACILITY.

7. The COVENANTOR(S) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfers any of the COVENANTOR(S) responsibilities for the FACILITY. The COVENANTOR(S) shall supply the COUNTY with a copy of any document of transfer, executed by both parties.

8. The covenants contained herein shall run with the land and shall bind the COVENANTOR(S) and the COVENANTOR(S)' heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the FACILITY.

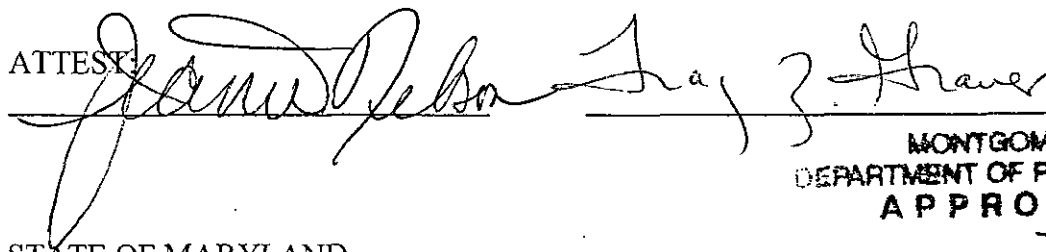
9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR(S) have executed this DECLARATION OF COVENANTS as of this 5th day of April 2002.

Terrabrook Clarksburg, L.L.C.,
A Delaware Limited Liability Company

by:

ATTEST:



STATE OF MARYLAND

COUNTY OF

MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
APPROVED FOR

SM COVENANT

SM 1-95 042 / 204 260

SC 203 914

RJ See
Approved

4/18/02
Date

I hereby certify that on this 5th day of April, 2002, before the subscribed, a Notary Public of the State of ~~Maryland~~ ^{Virginia}, and for the County of Loudoun, aforesaid personally appeared Tracy Z. Graves, and did acknowledge the foregoing instrument to be his act. In testimony whereof, I have affixed my official seal



My Commission Expires 08/31/05

INFORMATION FOR RECORDING EASEMENT

Parcel ID Number:

02-03282935

Record Legal Description:

L.17865 F.495

Street Address of Parcel:

Murphy Grove Terrace

Names and Addresses of Parties to Instrument and Their Interest

GRANTOR:

Terrabrook Clarksburg L.L.C.
P. O. Box 723427
Atlanta, GA 31139

COUNTY:

Montgomery County, Maryland
101 Monroe Street
Rockville, MD 20850